

Court of Appeals, State of Michigan

ORDER

Kathy Ann Smith v Scott A McCallister

Docket No. 259011

LC No. 2002-044063-NI

Jessica R. Cooper

Presiding Judge

Kathleen Jansen

E. Thomas Fitzgerald

Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court orders that the July 1, 2004 order granting defendant's motion for summary disposition pursuant to MCR 2.116(C)(7) is REVERSED. Pursuant to *Rory v Continental Ins Co*, 262 Mich App 679; 687 NW2d 304 (2004), lv granted 471 Mich 904; 688 NW2d 93 (2004), the one-year limitation for purposes of making a claim for underinsured motorist benefits is unreasonable.

This Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 10 2005

Date

Sandra Schultz Mengel
Chief Clerk